

EASTERN DISTRICT OF TEXAS

After careful consideration, the court concludes Plaintiff's objections are without merit. The above-styled lawsuit was filed on November 18, 2008. Plaintiff admits he did not exhaust the administrative remedy process until February 10, 2009. Under 42 U.S.C. § 1997e(a), prisoners must exhaust administrative remedies before filing a lawsuit, rather than while the lawsuit is pending. *See Clifford v. Gibbs*, 298 F.3d 328, 332 (5th Cir. 2002); *Wendell v. Asher*, 162 F.3d 887, 891 (5th Cir. 1998). Accordingly, plaintiff's complaint should be dismissed.

O R D E R

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 6th day of July, 2009.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE